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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

80

<b>Office Action Summary</b>	<b>Application No.</b> 09/788,526	<b>Applicant(s)</b> WEBB ET AL.	
	<b>Examiner</b> LaShanya R. Nash	<b>Art Unit</b> 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 and 35-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30, 35-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### ***DETAILED ACTION***

This action is responsive to the amendment filed on 14 May 2007. Claims 1-30 and 35-50 are presented for further consideration. Claims 35 and 36 are currently amended. Claims 31-34 are cancelled. Claim 50 is new.

### ***Response to Arguments***

Applicant's arguments filed 14 May 2007 have been fully considered but they are not persuasive.

In considering Applicant's arguments the following factual remarks are noted.

(I) Hashimoto is inapplicable art as it expressly teaches away from the applicant's claimed invention.

In considering (I), Hashimoto is inapplicable art as it expressly teaches away from the Applicant's claimed invention. Examiner respectfully disagrees. Examiner asserts that Hoshimoto populates the online forums in a manner similar to that of Applicant's invention, and as a result, logically cannot teach away from the aforementioned invention. As recited by Applicant, Hoshimoto discloses that each room has a maximum occupancy, and cannot enter the room if the maximum occupancy for that room has been reached. Nonetheless, this is not teaching away from the function of Applicant's invention, but contrastly, is analogous to the function of applicant's invention. As disclosed by Applicant, instant invention also employs a maximum occupancy wherein

both a specially designated user or a user without a designation can not enter the particular instance of a chat room (i.e. headroom is full/absolute maximum; page 7, lines 24-page 8, line 6). Therefore, the mere use of a maximum for a room does not teach away from the Applicant's claim language nor the function of the invention. Examiner asserts that "full" as recited in the claim language and the "maximum occupancy" as disclosed by Hoshimoto are not analogous as suggested in Applicant's remarks (Remarks; page 20-page 21). However, in being consistent with Applicant's disclosure, that "full" is a different indication of the chat room's usage than the absolute maximum, that is, full is not the same as the headroom being full. Examiner further notes that the Applicant's use of the term "full" is broad, particularly pointing to Applicant's specification, there are embodiments where full is disclosed as a maximum, wherein no other users may be added to the particular instance of the chat room (Figure 4-item 310); and an embodiment wherein full is conflictingly defined as a threshold, not a maximum capacity, wherein additional users may be added to the particular instance of the chat room (Figure 5-item 520). Therefore a room being "full" is interpreted in the broadest reasonable sense to be a room that has not reached a maximum capacity. As a result, Examiner asserts that Hoshimoto discloses placing a user in a forum even if the forum would otherwise be deemed full, a user is placed in the forum if the forum has not reached a maximum capacity, either immediately or after waiting in the waiting room for a room availability. Therefore, the wait room as disclosed by Hoshimoto teaches Applicant's notion of providing headroom for chat forums. Specifically in this instance, a user can be placed in a desired room that is deemed full, as a user is placed in the

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waiting room when a room is created and populated with participants (i.e. a room is full), until it is further determined if there is an extra capacity for the user to enter the designated chat room and allowed to enter if the usage capacity has not reach or exceeded the maximum (column 10, lines 22-65). Therefore, the Examiner rejects the claims as set forth in the rejection below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 9-11,14,16, 24-26, 29, 39 and 40-46 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato et al. (US Patent 6,425,012) in view of Manber et al. (US Patent 6,651,086), Appleman (US Patent 6,750,881) and Hashimoto et al. (US Patent 6,848,997), hereinafter referred to as Trovato and Appleman and Hashimoto respectively.**

In reference to claims 1, 39, 40 and 46 Trovato discloses a system and method for forming on-line chat networks based on time of access request and context/user profiles associated with the user. Also, the method includes forming multiple instances, or clones, of chat networks that have high rates of access requests (column 4, lines 52-64). Trovato shows the aforementioned method comprises: Creating one or more

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clones of a first forum wherein each clone is an instance of the forum, thereby allowing any number of users to be in the same forum while limiting the number of users in each instance of the first forum, (column 4, lines 13-17); and

- Determining whether an interactive relationship exists between a user entering the forum and one or more other users entering the first forum or one or more users already in the first forum, (column 3, line 63 to column 4, line 4 and column 7, lines 41-44);
- Placing the first user entering the forum in a clone of the first forum based on the relationship, (column 4, lines 15-17 and column 7, lines 53-63).

Although Trovato discloses substantial features of the claimed method, the reference fails to show the method wherein the forums are dedicated to a particular topic or a computer program product, embodied on a computer readable medium, including instructions operable to cause data processing apparatus to perform the aforementioned method [claim 39]. However, these limitations were well known in the art at the time of invention, as further evidenced by Manber. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to accordingly modify the method as disclosed by Trovato.

In an analogous art, Manber discloses a method and associated software (column 3, lines 46-62) [claim 39] for dynamically matching and subsequently connecting two or more individuals to a forum (i.e. Internet chat conversation) based on mutual interests, the content they may be viewing and based on what the individuals

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desire to converse about at the time they may be viewing specific media content (abstract; column 1, lines 30-56). Manber further discloses that method (Figure 2) for creating one or more clones (i.e. start conversation) of a first forum (i.e. open chat conversations; Figure 4) for user interaction, wherein the first forum is dedicated to a specific topic (i.e. story or topic of interest; column 4, line 10-column 5, line 2). In addition, Manber discloses that subsequent clone forums are also dedicated to the same topic as the first forum (i.e. starting a conversation associated with the story or topic of the selected indicator; column 5, lines 15-50). One of ordinary skill in the art would have been so motivated to implement this modification so as to dynamically create topic-specific chat sessions based on temporal events (i.e. conversations directed to current media that the content users are currently viewing; Manber column 1, lines 30-40) without the overhead typically associated with the establishment and maintenance of prior art topic-specific chat rooms, (Trovato column 1, lines 59 to column 2, line 26). However, the references fail to show the aforementioned forum wherein an interactive relationship is determined to exist if the first user and the second user have had an online interaction with each other prior to the first user entering the first forum. Nonetheless, this limitation was well known in the art at the time of invention, as further evidenced by Appleman. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to accordingly modify the method as disclosed by Trovato and Manber.

In an analogous art, Appleman discloses a system and method for automatically determining the real-time status of specified users in an electronic communications

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system (abstract; column 1, lines 53-column 2, line 10). Appleman further discloses that an interactive relationship (i.e. member of user-definable buddy list; column 3, lines 20-63; Figures 2a-2b) is determined to exist if the first user (i.e. user) and the second user (i.e. co-user) have had an online interaction with each other (i.e. determined status of currently online ("IN") and on user's buddy list; Figure 3-"John Smith" or "Simon Roe "; column 3, line 65-column 4, line 36) prior to the first user entering the first forum (i.e. determine which chat room a buddy is in at a particular moment ("LOCATE");column 4, lines 37-45; Figure 4-item 40). Appleman further discloses that a user is paced in a chat network based in an interactive relationship with the other user (i.e. selecting co-user from buddy list for BUDDY CHAT; column 6, lines 18-51| Figure 10). It would have been obvious to modify the aforementioned method disclosed by Trovato and Manber, so as to track personal relationships and maintain knowledge of people/users within communication system, thereby increasing potential of communication with related people amongst many users (Appleman column 1, lines 34-50). The references fail to show if an interactive relationship exists, placing the user entering the first forum in a clone of the first forum based on the relationship even if the clone in which the first user is placed would otherwise be deemed full. Nonetheless, this limitation was well known in the art at the time of invention, as further evidenced by Hashimoto. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to accordingly modify the method as disclosed by Trovato, Manber, Appleman and Hashimoto.



In an analogous art, Hashimoto discloses a method for linking a plurality of communicating participants of an on-line game via a network (abstract). Hashimoto further discloses if an interactive relationship exists, placing the user entering the first forum in a clone (i.e. lobby; Figure 26-items 75) of the first forum (i.e. game world; Figure 26-item 75R) based on the relationship even if the clone in which the first user is placed would otherwise be deemed full (i.e. user entering room placed in dedicated waiting room when a requested room is full, column 10, lines 22-65). It would have been obvious to modify the aforementioned method disclosed by Trovato, Manber, and Appleman so as to provide a system wherein sufficient information regarding other players connected to the system is provided to the user for handling maximum room occupancy situations (Hashimoto; column 2, lines 1-8; column 10, lines 57-62).

In reference to claims 16 and 43, Trovato discloses a network former, a component of a chat server, which executes various administrative functions of the chat forming methodology as addressed in claim 1. The chat server and communication network for the invention are shown to comprise:

- A means for sending and receiving content to and from a network, (column 2, lines 40-50 and Figure 1); and
- A means coupled to means for sending and receiving content for creating one or more clones of a first forum wherein each clone is an instance of the forum, thereby allowing any number of users to be in

the same forum while limiting the number of users in each instance of the first forum (column 5, lines 14-19 and Figure 1);

- A means coupled to means for sending and receiving content for determining whether an interactive relationship exists between a first user entering the forum and a second users entering the first forum or one or more users already in the forum and, if an interactive relationship exists, placing the user entering the first forum in a clone of the first forum based on the relationship (column 3, line 51 to column 4, line 4 and column 4, lines 13-16).

Although Trovato discloses substantial features of the claimed method, the reference fails to show the system wherein the forums are dedicated to a particular topic.

However, this limitation was well known in the art at the time of invention, as further evidenced by Manber. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to accordingly modify the system as disclosed by Trovato.

In an analogous art, Manber discloses a system for dynamically matching and subsequently connecting two or more individuals to a forum (i.e. Internet chat conversation) based on their mutual interests, the content they may be viewing and based in what the individuals desire to converse about at the time they may be viewing specific media content, (abstract; column 1, lines 30-56). Manber further discloses that system for creating one or more clones (i.e. start conversation) of a first forum (i.e. open chat conversations; Figure 4) for user interaction, wherein the first forum is dedicated to

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a specific topic, (story or topic of interest; column 4, line 10 to column 5, line 2). In addition, Manber discloses that subsequent clones forums are also dedicated to same topic as the first forum (i.e. starting conversation associated with the story or topic of the selected indicator; column 5, lines 15-50). One of ordinary skill in the art would have been so motivated to implement this modification so as to dynamically create topic-specific chat sessions based on temporal events (i.e. conversations directed to current media that the content users are currently viewing; Manber column 1, lines 30-40) without the overhead typically associated with the establishment and maintenance of prior art topic-specific chat rooms, (Trovato column 1, lines 59 to column 2, line 26). However, the references fail to show the aforementioned forum wherein an interactive relationship is determined to exist if the first user and the second user have had an online interaction with each other prior to the first user entering the first forum. Nonetheless, this limitation was well known in the art at the time of invention, as further evidenced by Appleman. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to accordingly modify the method as disclosed by Trovato and Manber.

In an analogous art, Appleman discloses a system and method for automatically determining the real-time status of specified users in an electronic communications system (abstract; column 1, lines 53-column 2, line 10). Appleman further discloses that an interactive relationship (i.e. member of user-definable buddy list; column 3, lines 20-63; Figures 2a-2b) is determined to exist if the first user (i.e. user) and the second user (i.e. co-user) have had an online interaction with each other (i.e. determined status of

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currently online ("IN") and on user's buddy list; Figure 3-"John Smith" or "Simon Roe "; column 3, line 65-column 4, line 36) prior to the first user entering the first forum (i.e. determine which chat room a buddy is in at a particular moment ("LOCATE");column 4, lines 37-45; Figure 4-item 40). Appleman further discloses that a user is paced in a chat network based in an interactive relationship with the other user (i.e. selecting co-user from buddy list for BUDDY CHAT; column 6, lines 18-51| Figure 10). It would have been obvious to modify the aforementioned method disclosed by Trovato and Manber, so as to track personal relationships and maintain knowledge of people/users within communication system, thereby increasing potential of communication with related people amongst many users (Appleman column 1, lines 34-50). The references fail to show if an interactive relationship exists, placing the user entering the first forum in a clone of the first forum based on the relationship even if the clone in which the first user is placed would otherwise be deemed full. Nonetheless, this limitation was well known in the art at the time of invention, as further evidenced by Hashimoto. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to accordingly modify the system as disclosed by Trovato, Manber, Appleman and Hashimoto.

In an analogous art, Hashimoto discloses a system for linking a plurality of communicating participants of an on-line game via a network (abstract). Hashimoto further discloses if an interactive relationship exists, placing the user entering the first forum in a clone (i.e. lobby; Figure 26-items 75) of the first forum (i.e. game world; Figure 26-item 75R) based on the relationship even if the clone in which the first user is

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placed would otherwise be deemed full (i.e. user entering room placed in dedicated waiting room when a requested room is full, column 10, lines 22-65). It would have been obvious to modify the aforementioned system disclosed by Trovato, Manber, and Appleman so as to provide a system wherein sufficient information regarding other players connected to the system is provided to the user for handling maximum room occupancy situations (Hashimoto; column 2, lines 1-8; column 10, lines 57-62).

In reference to claims 9 and 24, Trovato discloses placing users in multiple instances of chat networks containing users in which an interactive relationship is determined to exist (column 4, lines 13-17 and column 7, lines 53-56).

In reference to claims 10 and 25, Trovato explicitly shows placing users in multiple instances of chat network with users having similar profiles and who most recently accessed the first chat network (column 7, lines 27-33 and column 7, lines 53-60).

In reference to claim 11 and 26, Trovato teaches limiting the number of users in each instance of the first chat room to a maximum number (column 5, lines 23-38).

In reference to claim 14 and 29, Trovato discloses the first chat network as an interactive forum maintained by a system of computers in which users interact by submitting messages (column 2, line 65 to column 3, line 5 and Figure 1). It is inherent

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that messages transmitted via this chat network are read by receiving clients as are submitted.

In reference to claims 41 and 44, Hashimoto shows the user entering the first forum as having a special designation; selecting a clone of the forum in which the first user is to be placed; if the selected clone is full, determining whether the selected clone has extra capacity reserved for use by users having a special designation, and if so, placing first the user entering the forum in the selected clone (column 10, lines 22-65).

In reference to claims 42 and 45, Trovato shows whether the selected clone is full based on one or more of the following criteria; the number of users in the selected clone, the level of activity of users in the selected clone, the message rate, the data transfer rate, and the frame update rate, (column 5, lines 23-38).

**Claims 2-8, and 17-23 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato, Manber, Appleman and Hashimoto as applied to previous claims, and further in view of Morris et al. (US Patent 6,336,133), hereinafter referred to as Morris.**

In reference to claims 2-3 and 17-18, Trovato teaches receiving information from a user entering the chat session in the form of context and user profiles, and forming chat networks based on participants' relationships determined from that information (column 2, lines 5-11). Trovato further discloses that the context and user profiles

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include information that "may be relevant to the determination of the user's similarity or compatibility to other users" (column 3, lines 29-38). However, Trovato and Manber fail to show receiving information indicating: forums the user has been in [claims 2,17]; and clones of forums the user has been in [claims 3,18,32,34]. Nonetheless, this modification to the method and system as disclosed by Trovato, Manber, Appleman and Hashimoto would have been obvious to one of ordinary skill in the art at the time of the invention, as evidenced by Morris.

In an analogous art, Morris discloses a receiving input from users of an on-line forum regarding another user, so as to regulate forum activities (column 2, lines 48-55 and column 4, line 58 to column 5, line 8). Morris further discloses the forum regulation method and system maintain user-records, which contain indications of forums accessed by on-line users, (i.e. total-time-of-access and time-of-entry for each forum; column 6, lines 8-65). Subsequently, determining if an interactive relationship (i.e. "eviling" another user; column 5, lines 9-44) exists between users having been in the same forum, (i.e. comparing a user's time-of-entry to a forum to another user's time-of-entry to that forum; column 6, lines 31-38). Therefore, one of ordinary skill in the art would have readily recognized the advantages of modifying the method and system, as disclosed by Trovato, Manber, Appleman and Hashimoto. One of ordinary skill would have been so motivated to implement this modification in order to alleviate the need for users to manually find other on-line users with similar interest (Trovato column 1, lines 29-33).

In reference to claims 4-7, and 19-22 Trovato teaches receiving information from a user entering the chat session in the form of context and user profiles, and forming chat networks based on participants' relationships determined from that information (column 2, lines 5-11). Trovato further discloses that the context and user profiles include information that "may be relevant to the determination of the user's similarity or compatibility to other users" (column 3, lines 29-38). However, Trovato, Manber, Appleman and Hashimoto fail to specifically show obtaining information from the user entering the forum or one or more other users regarding: domain name of the user's address [claims 4,19]; country associated with the user's address [claims 5,20]; language in which the user prefers to communicate [claims 6,21]; and indication of an interactive relationship with one or more other users [claims 7,22]. Nonetheless, this modification to the method and system as disclosed by Trovato, Manber, and Appleman would have been obvious to one of ordinary skill in the art at the time of the invention, as evidenced by Morris.

In an analogous art, Morris discloses receiving input from users of an on-line forum regarding another user, so as to regulate forum activities (column 2, lines 48-55 and column 4, line 58 to column 5, line 8). Therefore, one of ordinary skill in the art would have readily recognized the advantages to include information from the previously described limitations into the context/user profiles received from the entering user, as well as other chat participants. One of ordinary skill would have been so motivated to implement this modification in order to alleviate the need for users to manually find other on-line users with similar interest (Trovato column 1, lines 29-33).



In reference to claims 8 and 23, Trovato teaches placing users in a chat network other than the chat network containing designated users in which relationships are determined to exist (column 4, lines 24-33).

In reference to claims 37-38, Trovato shows the method and system receiving information from a user entering the chat session in the form of context and user profiles, and forming chat networks based on participants' relationships determined from that information (column 2, lines 5-11). Trovato further discloses that the context and user profiles include information that "may be relevant to the determination of the user's similarity or compatibility to other users" (column 3, lines 29-38). However, Trovato, Manber, Appleman and Hashimoto fail to specifically show the method wherein the relationship is a group membership relationship; the method further comprising receiving an indication from the user entering the forum or from one or more other users that a group membership exists between the user entering the forum and the one or more other users. Nonetheless, this modification to the method and system as disclosed by Trovato, Manber, Appleman and Hashimoto would have been obvious to one of ordinary skill in the art at the time of the invention, as evidenced by Morris.

In an analogous art, Morris discloses receiving input from users of an on-line forum regarding another user, so as to regulate forum activities (column 2, lines 48-55 and column 4, line 58 to column 5, line 8), specifically an indication of membership relationship (i.e. participants of private chat room or buddy lists; column 5, lines 45-55;

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column 6, lines 31-38). Therefore, one of ordinary skill in the art would have readily recognized the advantages to include information from the previously described limitations into the context/user profiles received from the entering user, as well as other chat participants. One of ordinary skill would have been so motivated to implement this modification in order to alleviate the need for users to manually find other on-line users with similar interest (Trovato column 1, lines 29-33).

**Claims 15 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato, Manber , Appleman, and Hashimoto as applied to the claims above, and further in view of Liles (US Patent 5,888,731) hereinafter referred to as Liles.**

In reference to claims 15 and 30, Trovato teaches a chat network maintained by a system of one or more computers for transmitting text, audio, audio-visual, and multi-media messaging between users (column 2, line 65 to column 3, line 5 and Figure 1). Although Trovato, Manber, Appleman and Hashimoto show substantial features of the invention as previously addressed, the references fail to show the chat network as an interactive virtual world with each user having one or more moving avatars within the virtual world. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to accordingly modify the chat network system disclosed by Trovato, Manber, Appleman and Hashimoto, as evidenced by Liles.

In an analogous art, Liles teaches a method and system for implementing a graphical on-line chat session employing avatars with automatic gesturing (column 3, lines 18-26 and column 3, lines 58-65). Liles further discloses virtual worlds were well

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known in the art at the time of the invention (column 1, lines 50-65). Therefore, one of ordinary skill in the art would have readily recognized the advantages to the aforementioned modification in order to extend the functionality of the chat network to include graphical gesturing used in combination with text messages (Liles column 2, lines 44-50).

**Claims 35 -36 and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato et al. (US Patent 6,425,012), in view of Liles (US Patent 5,888,731) Morris et al. (US Patent 6,336,133), and Hashimoto (US Patent 6,848,997) hereinafter referred to as Trovato, Liles, Morris and Hashimoto respectively.**

In reference to claim 35, 47 and 48, Trovato discloses a method for forming on-line chat networks based on time of access request and context/user profiles associated with the user. Also, the method includes forming multiple instances, or clones, of chat networks that have high rates of access requests (column 4, lines 52-64). Trovato shows the aforementioned method comprises:

- Creating a first forum (i.e. chat network 131) and a distinct second forum (i.e. chat networks for users having differing interests; column 5, lines 40-46; column 7, lines 45-51);
- Creating two or more clones of a first forum and two or more clones of the second forum, wherein each clone is an instance of the respective forum, thereby allowing any number of users to be in the same forum

while limiting the number of users in each instance of the first forum, (column 4, lines 13-17; column 7, lines 53-56); and

- Determining whether an interactive relationship exists between a user entering the forum and another user, (column 3, line 63 to column 4, line 4 and column 7, lines 41-44); and
- If an interactive relationship exists, placing the first user entering the first world in a clone of the first world based on the relationship, (column 4, lines 15-17 and column 7, lines 53-63).

Trovato teaches substantial features of the claimed invention. Trovato also discloses a chat network maintained by a system of one or more computers for transmitting text, audio, audio-visual, and multi-media messaging between users (column 2, line 65 to column 3, line 5 and Figure 1), but fail to expressly show the chat network as an interactive 3D virtual worlds that presents a 3D graphical scene to a user, and wherein multiple users may enter and navigate each virtual world and may interact by moving avatars within the virtual world, interacting and observing the world and other users. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to accordingly modify the method disclosed by Trovato, as evidenced by Liles.

In an analogous art, Liles teaches a method and system for implementing a 3D virtual world graphical on-line chat session, wherein multiple users may enter and navigate (Figure 13; column 12, line 52 to column 13, line 15). Liles further discloses employing avatars with automatic gesturing (column 3, lines 18-26 and column 3, lines

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58-65; Figure 3) to support user interaction within a virtual world. Liles further discloses an interactive 3D virtual worlds that presents a 3D graphical scene to a user, and wherein multiple users may enter and navigate each virtual world (column 1, lines 50 to column 2, line 23). Therefore, one of ordinary skill in the art would have readily recognized the advantages to the aforementioned modification in order to extend the functionality of the chat network to include graphical gesturing used in combination with text messages, and thereby improving communication between forum participants (Liles column 2, lines 25-50). In reference to claims 2-3, 13, 17-18, 28, 32 and 34 Trovato teaches receiving information from a user entering the chat session in the form of context and user profiles, and forming chat networks based on participants' relationships determined from that information (column 2, lines 5-11). Trovato further discloses that the context and user profiles include information that "may be relevant to the determination of the user's similarity or compatibility to other users" (column 3, lines 29-38).

Trovato and Liles fail to show the method receiving information associated with a first user entering the first world indicating: what clones of what distinctive clones the first user has been in; and receiving information associated with a second user indicating what clones of what distinctive worlds the second user has been in; and determining that an interactive relationship between the first user entering the first world, and another user, wherein an interactive relationship is determined to exist if the first user and the second user have had an interactive relationship with each other in the same clone of the same world prior to the first user entering the first world. Nonetheless

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this modification to the method, as disclosed by Trovato and Liles, would have been obvious to one of ordinary skill in the art at the time of the invention, as further evidenced by Morris.

In another analogous art, Morris discloses receiving input from users of an on-line forum regarding another user, so as to regulate forum activities (column 2, lines 48-55 and column 4, line 58 to column 5, line 8). Morris further discloses the forum regulation method and system maintain user-records, which contain indications of forums accessed by on-line users, (i.e. total-time-of-access and time-of-entry for each forum; column 6, lines 8-65). Subsequently, determining if an interactive relationship wherein an interactive relationship is determined to exist if the first user and the second user have had an interactive relationship with each other in the same clone of the same world prior to the first user entering the first world (i.e. "eviling" another user; and a user must have been in the same forum for a specified amount of time with another user to "evil"; column 5, lines 9-44) exists between users having been in the same forum, (i.e. comparing a user's time-of-entry to a forum to another user's time-of-entry to that forum; column 6, lines 31-38). Therefore, one of ordinary skill in the art would have readily recognized the advantages of modifying the method and system, as disclosed by Trovato and Liles. One of ordinary skill would have been so motivated to implement this modification in order to alleviate the need for users to manually find other on-line users with similar interest (Trovato column 1, lines 29-33). The references fail to show if an interactive relationship exists, placing the user entering the first forum in a clone of the first forum based on the relationship even if the clone in which the first user is placed

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would otherwise be deemed full. Nonetheless, this limitation was well known in the art at the time of invention, as further evidenced by Hashimoto. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to accordingly modify the method as disclosed by Trovato, Liles and Morris.

In an analogous art, Hashimoto discloses a method for linking a plurality of communicating participants of an on-line game via a network (abstract). Hashimoto further discloses if an interactive relationship exists, placing the user entering the first forum in a clone (i.e. lobby; Figure 26-items 75) of the first forum (i.e. game world; Figure 26-item 75R) based on the relationship even if the clone in which the first user is placed would otherwise be deemed full (i.e. user entering room placed in dedicated waiting room when a requested room is full, column 10, lines 22-65). It would have been obvious to modify the aforementioned method disclosed by Trovato, Liles, and Morris so as to provide a system wherein sufficient information regarding other players connected to the system is provided to the user for handling maximum occupancy situations (Hashimoto; column 2, lines 1-8; column 10, lines 57-62).

In reference to claim 36,49, and 50Trovato discloses a network former, a component of a chat server, which executes various administrative functions of the chat forming methodology as addressed in claim 35. The chat server and communication network for the invention are shown to comprise:

- A means for (column 5, lines 14-19 and Figure 1), creating a first forum (i.e. chat network 131) and a distinct second forum (i.e. chat networks

for users having differing interests; column 5, lines 40-46; column 7, lines 45-51);

- A means for (column 5, lines 14-19 and Figure 1), creating two or more clones of a first forum and two or more clones of the second forum, wherein each clone is an instance of the respective forum, thereby allowing any number of users to be in the same forum while limiting the number of users in each instance of the first forum, (column 4, lines 13-17; column 7, lines 53-56); and
- A means for (column 3, line 51 to column 4, line 4 and column 4, lines 13-16) determining whether an interactive relationship exists between a user entering the forum and another user, (column 3, line 63 to column 4, line 4 and column 7, lines 41-44); and
- A means for (column 3, line 51 to column 4, line 4 and column 4, lines 13-16) placing the first user entering the world, if an interactive relationship exists, in a clone of the first world based on the relationship, (column 4, lines 15-17 and column 7, lines 53-63).

Trovato teaches substantial features of the claimed invention. Trovato also discloses a chat network maintained by a system of one or more computers for transmitting text, audio, audio-visual, and multi-media messaging between users (column 2, line 65 to column 3, line 5 and Figure 1), but fail to expressly show the chat network as an interactive 3D virtual worlds that presents a 3D graphical scene to a user, and wherein multiple users may enter and navigate each virtual world and may interact



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by moving avatars within the virtual world, interacting and observing the world and other users. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to accordingly modify the system disclosed by Trovato, as evidenced by Liles.

In an analogous art, Liles teaches a method and system for implementing a 3D virtual world graphical on-line chat session, wherein multiple users may enter and navigate (Figure 13; column 12, line 52 to column 13, line 15). Liles further discloses employing avatars with automatic gesturing (column 3, lines 18-26 and column 3, lines 58-65; Figure 3) to support user interaction within a virtual world. Liles further discloses an interactive 3D virtual worlds that presents a 3D graphical scene to a user, and wherein multiple users may enter and navigate each virtual world (column 1, lines 50 to column 2, line 23). Therefore, one of ordinary skill in the art would have readily recognized the advantages to the aforementioned modification in order to extend the functionality of the chat network to include graphical gesturing used in combination with text messages, and thereby improving communication between forum participants (Liles column 2, lines 25-50).

Trovato and Liles fail to show the system receiving information associated with a first user entering the first world indicating: what clones of what distinctive clones the first user has been in; and receiving information associated with a second user indicating what clones of what distinctive worlds the second user has been in; and determining that an interactive relationship between the first user entering the first world, and another user, wherein an interactive relationship is determined to exist if the

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first user and the second user have had an interactive relationship with each other in the same clone of the same world prior to the first user entering the first world. Nonetheless this modification to the system, as disclosed by Trovato and Liles, would have been obvious to one of ordinary skill in the art at the time of the invention, as further evidenced by Morris.

In another analogous art, Morris discloses a receiving input from users of an on-line forum regarding another user, so as to regulate forum activities (column 2, lines 48-55 and column 4, line 58 to column 5, line 8). Morris further discloses the forum regulation method and system maintain user-records, which contain indications of forums accessed by on-line users, (i.e. total-time-of-access and time-of-entry for each forum; column 6, lines 8-65). Subsequently, determining if an interactive relationship wherein an interactive relationship is determined to exist if the first user and the second user have had an interactive relationship with each other in the same clone of the same world prior to the first user entering the first world (i.e. "eviling" another user; and a user must have been in the same forum for a specified amount of time with another user to "evil"; column 5, lines 9-44) exists between users having been in the same forum, (i.e. comparing a user's time-of-entry to a forum to another user's time-of-entry to that forum; column 6, lines 31-38). Therefore, one of ordinary skill in the art would have readily recognized the advantages of modifying the system, as disclosed by Trovato and Liles. One of ordinary skill would have been so motivated to implement this modification in order to alleviate the need for users to manually find other on-line users with similar interest (Trovato column 1, lines 29-33). The references fail to show if an interactive

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relationship exists, placing the user entering the first forum in a clone of the first forum based on the relationship even if the clone in which the first user is placed would otherwise be deemed full. Nonetheless, this limitation was well known in the art at the time of invention, as further evidenced by Hashimoto. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to accordingly modify the method as disclosed by Trovato, Liles, and Morris.

In an analogous art, Hashimoto discloses a method for linking a plurality of communicating participants of an on-line game via a network (abstract). Hashimoto further discloses if an interactive relationship exists, placing the user entering the first forum in a clone (i.e. lobby; Figure 26-items 75) of the first forum (i.e. game world; Figure 26-item 75R) based on the relationship even if the clone in which the first user is placed would otherwise be deemed full (i.e. user entering room placed in dedicated waiting room when a requested room is full, column 10, lines 22-65). It would have been obvious to modify the aforementioned method disclosed by Trovato, Liles, and Morris so as to provide a system wherein sufficient information regarding other players connected to the system is provided to the user for handling maximum occupancy (Hashimoto; column 2, lines 1-8; column 10, lines 57-62).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

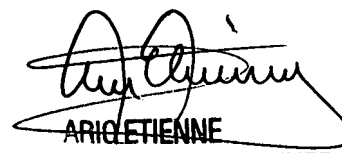
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya R Nash whose telephone number is (571) 272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShanya Nash  
Art Unit, 2153  
August 5, 2007



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